

# Chapter 14.—DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

## § 1802. Organization.

a. \* \* \*

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to June 30, 1950, shall expire at midnight on June 30, 1950. The term of office of each member of the Commission taking office after June 30, 1950, shall be five years, except that (A) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (B) any member appointed to fill a vacancy, occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$18,000 per annum; and the Chairman shall receive compensation at the rate of \$20,000 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.

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(4) There are established within the Commission—

(A) A General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed \$20,000 per annum.

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(c) Military Liaison Committee; composition; appointment and compensation of Chairman; powers and duties.

There shall be a Military Liaison Committee consisting of a Chairman, who shall be the head thereof, and of a representative or representatives of the Departments of the Army, Navy, and Air Force, detailed or assigned thereto, without additional compensation, in such number as the Secretary of Defense may determine. Representatives from each of the three Departments shall be designated by the respective Secretaries of the Army, Navy, and Air Force. The Committee Chairman shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at a rate prescribed by law for the Chairman of the Munitions Board. The Commission shall advise and consult with the Committee on all atomic-

energy matters which the Committee deems to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the Department of Defense. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Department of Defense, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretary of Defense. If the Secretary concurs, he may refer the matter to the President, whose decision shall be final.

(d) Appointment of Army, Navy, or Air Force officers; compensation.

Notwithstanding the provisions of section 576 of Title 10, sections 59a and 62 of Title 5, or any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a) (4) (B) of this section. Likewise, notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee established by subsection (c) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (c) of this section. (As amended July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; July 3, 1948, ch. 828, 62 Stat. 1259; Oct. 11, 1949, ch. 673, §§ 1-3, 63 Stat. 762; Sept. 23, 1950, ch. 1000, §§ 1, 2, 64 Stat. 979.)

### AMENDMENTS

1950—Subsec. (a) (2) amended by act Sept. 23, 1950, § 1, cited to text, to increase the compensation of members from \$15,000 to \$18,000, and the compensation of the Chairman from \$17,500 to \$20,000.

Subsec. (a) (4) (A) amended by act Sept. 23, 1950, § 2, cited to text, to provide for appointment of the General Manager by the Commission instead of by the President with the advice and consent of the Senate, and to change his compensation from \$15,000 to a rate fixed by the Commission not exceeding \$20,000.

1949—Subsec. (c) amended by act Oct. 11, 1949, § 1, cited to text, which provided for the appointment and compensation of a Chairman, and substituted the Department

of Defense for the Army and Navy Departments and the Secretary of Defense for the Secretaries of the Army and Navy.

Subsec. (d) amended by act Oct. 11, 1949, §§ 2, 3, cited to text, which made section also applicable to the Air Force, and added last two sentences.

1948—Subsec. (a) (2) amended by act July 3, 1948, cited to text, to extend the time of the expiration date of the terms of the members of the Commission from Aug. 1, 1948, to June 30, 1950, and to change the expiration date of terms of officers first taking office after June 30, 1950.

#### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, cited to text.

#### EX. ORD. NO. 9816. TRANSFER OF PROPERTY AND PERSONNEL TO THE ATOMIC ENERGY COMMITTEE

Ex. Ord. No. 9816, Dec. 31, 1946, 12 F. R. 37, provided:

By virtue of the authority vested in me by the Constitution and the statutes, including the Atomic Energy Act of 1946 [this chapter], and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered and directed as follows:

1. There are transferred to the Atomic Energy Commission all interests owned by the United States or any Government agency in the following property:

(a) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items.

(b) All facilities, equipment, and materials, devoted primarily to atomic energy research and development.

2. There also are transferred to the Atomic Energy Commission all property, real or personal, tangible or intangible, including records, owned by or in the possession, custody or control of the Manhattan Engineer District, War Department, in addition to the property described in paragraph 1 above. Specific items of such property, including records, may be excepted from transfer to the Commission in the following manner:

(a) The Secretary of War shall notify the Commission in writing as to the specific items of property or records he wishes to except; and

(b) If after full examination of the facts by the Commission, it concurs in the exception, those specific items of property or records shall be excepted from transfer to the Commission; or

(c) If after full examination of the facts by the Commission, it does not concur in the exception, the matter shall be referred to the President for decision.

3. The Atomic Energy Commission shall exercise full jurisdiction over all interests and property transferred to the Commission in paragraphs 1 and 2 above, in accordance with the provisions of the Atomic Energy Act of 1946 [this chapter].

4. Any Government agency is authorized to transfer to the Atomic Energy Commission, at the request of the Commission, any property, real or personal, tangible or intangible, acquired or used by such Government agency in connection with any of the property or interests transferred to the Commission by paragraphs 1 and 2 above.

5. Each Government agency shall supply the Atomic Energy Commission with a report on, and an accounting and inventory of, all interests and property, described in paragraphs 1, 2 and 4 above, owned by or in the possession, custody, or control of such Government agency, the form and detail of such report, accounting and inventory, to be determined by mutual agreement, or, in case of non-agreement, by the Director of the Bureau of the Budget.

6. (a) There also are transferred to the Atomic Energy Commission, all civilian officers and employees of the Manhattan Engineer District, War Department, except that the Commission and the Secretary of War may by mutual agreement exclude any of such personnel from transfer to the Commission.

(b) The military and naval personnel heretofore assigned or detailed to the Manhattan Engineer District, War Department, shall continue to be made available to the Commission, for military and naval duty, in similar manner, without prejudice to the military or naval status of such personnel, for such periods of time as may be agreed mutually by the Commission and the Secretary of War or the Secretary of the Navy.

7. The assistance and the services, personal or other, including the use of property, heretofore made available by any Government agency to the Manhattan Engineer District, War Department, shall be made available to the Atomic Energy Commission for the same purposes as heretofore and under the arrangements now existing until terminated after 30 days notice given by the Commission or by the Government agency concerned in each case.

8. The Commission is authorized to exercise all of the powers and functions vested in the Secretary of War by Executive Order No. 9001, of December 27, 1941, as amended [set out as a note under section 611 of Appendix to Title 50], in so far as they relate to contracts heretofore made by or hereby transferred to the Commission.

9. Such further measures and dispositions as may be determined by the Atomic Energy Commission and any Government agency concerned to be necessary to effectuate the transfers authorized or directed by this order shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate.

10. This order shall be effective as of midnight, December 31, 1946.

#### EX. ORD. NO. 9829. EXTENSION OF EXECUTIVE ORDER NO. 9177 TO ATOMIC ENERGY COMMITTEE

Ex. Ord. No. 9829, Feb. 21, 1947, 12 F. R. 1259, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) [sections 601-605 of Appendix to Title 50], and in the interest of the internal management of the Government, I hereby extend the provisions of Executive Order No. 9177 of May 30, 1942 (7 F. R. 4195) [set out as a note under section 601 of Appendix to Title 50], to the United States Atomic Energy Commission; and, subject to the limitations contained in that order, I hereby authorize the United States Atomic Energy Commission to perform and exercise all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 1947.

#### § 1805. Control of materials—(a) Fissionable materials.

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#### (3) Prohibition.

It shall be unlawful for any person to (A) possess or transfer any fissionable material, except as authorized by the Commission; or (B) export from or import into the United States any fissionable material; or (C) directly or indirectly engage in the production of any fissionable material outside of the United States, except, subject to the limitations and conditions contained in section 1810 (a) (3) of this title, as authorized by the Commission upon a determination by the President that the common defense and security will not be adversely affected

thereby. (As amended Oct. 30, 1951, ch. 633, 65 Stat. 692).

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AMENDMENTS

1951—Subsec. (a) (3) amended by act Oct. 30, 1951, to add exception clause.

§ 1810. Control of information—(a) Policy of Commission.

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(3) Nothing contained in this section shall prohibit the Commission, when in its unanimous judgment the common defense and security would be substantially promoted and would not be endangered, subject to the limitations hereinafter set out, from entering into specific arrangements involving the communication to another nation of restricted data on refining, purification, and subsequent treatment of source materials; reactor development; production of fissionable materials; and research and development relating to the foregoing: *Provided,*

(1) that no such arrangement shall involve the communication of restricted data on design and fabrication of atomic weapons;

(2) that no such arrangement shall be entered into with any nation threatening the security of the United States;

(3) that the restricted data involved shall be limited and circumscribed to the maximum degree consistent with the common defense and security objective in view, and that in the judgment of the Commission the recipient nation's security standards applicable to such data are adequate;

(4) that the President, after securing the written recommendation of the National Security Council, has determined in writing (incorporating the National Security Council recommendation) that the arrangement would substantially promote and would not endanger the common defense and security of the United States, giving specific consideration to the security sensitivity of the restricted data involved and the adequacy and sufficiency of the security safeguards undertaken to be maintained by the recipient nation; and

(5) that before the arrangement is consummated by the Commission the Joint Committee on Atomic Energy has been fully informed for a period of thirty days in which the Congress was in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.) (As amended Oct. 30, 1951, ch. 633, 65 Stat. 692.)

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AMENDMENTS

1951—Subsec. (a) amended by act Oct. 30, 1951, which added paragraph (3)–(5).

§ 1811. Patents and inventions.

REFERENCES IN TEXT

Section 347 of Title 28 referred to in the text of subsection (e) (4) was repealed by act June 25, 1948, ch. 646,

§ 39, 62 Stat. 992, effective Sept. 1, 1948. Similar provisions are now contained in section 1254 of Title 28, Judiciary and Judicial Procedure.

§ 1812. Authority, powers and duties of Commission.

CROSS REFERENCES

Per diem and mileage of witnesses generally, see section 1821 of Title 28, Judiciary and Judicial Procedure.

§ 1813. Compensation for acquisition of private property; law governing; right of use and possession.

REFERENCES IN TEXT

Sections 41 (20) and 250 of Title 28 referred to in the text of subsection (a) were repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, effective Sept. 1, 1948. Similar provisions are now contained in sections 1346, 1491, 1496, 1501, 1503, 2401, 2402, and 2501 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Complaint for Condemnation, see form 29, U. S. C.  
Condemnation of property, see rule 71A, 28 U. S. C. following section 2072.

Notice of condemnation, see form 28, 28 U. S. C.

Chapter 15.—DAMAGE BY FLOOD OR OTHER  
CATASTROPHE [NEW]

Sec.

1851—1854. Repealed.

1855. Declaration of Congressional intent.

1855a. Definitions.

1855b. Assistance by Federal agencies; scope of services reimbursement; disposition of moneys; liability.

1855c. Cooperation with other agencies.

1855d. Coordination of Federal activities; rules and regulations.

1855e. Repair and reconstruction of damaged United States facilities; availability of funds.

1855f. Utilization of services and facilities of other agencies; employment of temporary personnel; incurring of obligations; reimbursement.

1855g. Appropriations; reports.

§§ 1851—1854. Repealed. Sept. 30, 1950, ch. 1125, § 9, 64 Stat. 1111.

Sections, act July 27, 1947, ch. 320, 61 Stat. 422, related to availability of surplus property for alleviation of damage caused by floods or other catastrophe, and is now covered by sections 1855–1855g of this title.

§ 1855. Declaration of Congressional intent.

It is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary. (Sept. 30, 1950, ch. 1125, § 1, 64 Stat. 1109.)

§ 1855a. Definitions.

As used in this chapter, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of